THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 6636 of 2006

10.04.2006

Between:

Shri Khar Gandhi Dairy Products (P) Ltd., Hyderabad,

rep. by its Director.

…Petitioner

And

Commercial Tax Officer, Begum Bazar Circle, Hyderabad & Others.

….Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 6636 of 2006

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending an appeal, application for stay

was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability.

Therefore, we set aside the attachment order of the authority and direct that 50% of the disputed tax liability, and also 25% of penalty, shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The amount already paid, if any, shall be given credit. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

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(BILAL NAZKI, J)

10th April 2006

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(G.CHANDRAIAH,J)

ajr